

# USERS GUIDE TO THE ORDINANCE AMENDMENT PROCESS

San Luis Obispo County Department of Planning and Building

7/1/05

## INTRODUCTION

This is your guide to the processing of amendments to the county land use ordinance. It is designed to help answer your questions about the process including:

- U      Where do I begin, if I am considering an ordinance amendment?
- U      What information must I provide to be sure my application is complete?
- U      How much will the process cost?
- U      After I submit my application, what will happen before my request can be approved or denied?
- U      What considerations are reviewed before a decision is made to approve or deny an ordinance amendment?
- U      How long will the process take?

## CHANGING THE ORDINANCE

Before any portion of the ordinance can be changed, a thorough review of the requested change must be completed. Amending the ordinance is an important decision as it affects the entire county. The process is governed by state law requiring each amendment request to be evaluated by the Planning Commission and the Board of Supervisors at public hearings before a decision is made. In the coastal zone, amendments must also be approved by the California Coastal Commission.

## WHERE DO I BEGIN?

In an initial meeting with a staff planner, you will be given an overview of the process. Call the Planning Department at 781-5600 to make an appointment.

## WHAT DO I HAVE TO PROVIDE AND HOW MUCH WILL IT COST?

An application for ordinance amendment must include the following information:

**A.      General Permit Application**    A standardized application which provides general information about the applicant, the property owner, and the property. On the back of this application is the "Consent of Landowner" form authorizing an agent to act for the landowner.

**B.      Amendment Application**    This form provides specific information about the requested change to the ordinance.

**C.      A written statement from the applicant**    The statement should clearly explain the proposed changes to the ordinance and the reason for the request.

**D. Environmental Description Form** This form provides pertinent information about the physical characteristics of a site. The information will be used to complete the environmental review of the requested change, as required by the California Environmental Quality Act (CEQA). Although in most cases, the majority of this form is not applicable to ordinance amendments, as much of the information as possible should be completed.

**E. Filing Fee and Cost Accounting Form** The base filing fee is what is required by the current county fee ordinance. In the Coastal Zone additional fees need to be added to the base filing fee. If you are requesting a change to or from the Agriculture land use category, there is an additional fee. If the property is within the Airport Review Area Combining Designation, an additional fee is required. Filing fees are a deposit toward the actual cost of processing. Refunds will be provided if the fee exceeds the costs associated with processing your application. Quarterly bills will be sent if processing costs exceed the fee

### **WHAT HAPPENS NEXT?**

Once your completed application is filed, planning staff will review the information and prepare a formal request that the proposed change be included on a Board of Supervisors meeting agenda to determine whether to “authorize the application for processing”

**A. Authorization to Process** Approximately 6 to 10 weeks after the amendment application is submitted, the proposal is taken before the Board of Supervisors, who will either direct the department to continue to process the application, or decide not to consider it. If the Board terminates the process, any unused portion of the initial fee deposit will be refunded. If the Board chooses to process the request, the remaining steps outlined in this guide will then be followed. However, it should be clearly understood that Board of Supervisors authorization for processing is no guarantee that the request will later be approved. The proposed amendment must still undergo the environmental review process, detailed staff analysis and public hearings. If problems are identified changes may be required before it can be approved, or it could result in the amendment being denied.

**B. Environmental Review** As required by the California Environmental Quality Act (CEQA), the application will be subject to an environmental review to determine if significant environmental impacts could result from the proposed amendment. The review will result in either a Negative Declaration (ND), or the determination that an Environmental Impact Report (EIR) is required. An official statement asserting the county’s position that the proposed change would produce no significant environmental impacts is called an ND. An EIR thoroughly analyzes the potential environmental effects of the amendment and recommends specific mitigation measures designed to minimize or otherwise address each effect. When an EIR is recommended by staff, an applicant may request that the Board of Supervisors decide whether or not to require an EIR.

**C. Planning Commission Public Hearing** The Planning Commission holds an advertised public hearing on the proposed amendment. They will carefully review the staff report, any relevant information you provide, and hear comments from the public, before they formulating a recommendation to the Board of Supervisors. It is extremely important that you attend this hearing and be prepared to answer any questions the Commission may have about the proposal.

**D. Board of Supervisors Public Hearing** The Board of Supervisors holds another advertised public hearing on the requested amendment during which it will consider the Planning Commission's recommendation, any additional information you provide and comments from the public. The Board's decision is final, unless the property proposed for a general plan amendment is located within the Coastal Zone, a specific area designated by the 1976 California Coastal Act. Projects within this zone are subject to a public hearing before the California Coastal Commission, which can grant final approval or deny the request. The hearing before the Coastal Commission is scheduled by its staff and will likely be held in a location outside of the county. The Board of Supervisors must then acknowledge the action taken by the Coastal Commission. If the Board disagrees with that action, it may re-submit the amendment proposal. The amendment cannot become final until it is approved by both the county and the Coastal Commission.

#### **WHAT IS CONSIDERED IN APPROVING OR DENYING AN AMENDMENT REQUEST?**

When proposing an ordinance amendment, applicants should keep in mind that the amendment will affect the entire county, not just their site or specific proposal. You should consider how the change to the ordinance provision that you are requesting will affect other individuals and areas of the county.

#### **HOW LONG WILL THE PROCESS TAKE?**

The amendment process typically takes from 9 to 18 months from the time the request is submitted to final action. If an EIR is required, or the change is to the Coastal Zone Land Use Ordinance requiring approval by the California Coastal Commission, that process will likely take 12 months to two years.

*This guide is designed to provide general information only. It is not a county ordinance or policy and has no legal effect. The general plan and other chapters of the San Luis Obispo County Code are the official regulations of the county. Those documents, rather than this guide, are the only legal basis for assessing how county regulations affect property development*